

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: Eugenio Ferrer )  
 )  
 )  
Debtor(s) ) 18 B 09593  
 Judge Hollis

**NOTICE OF MOTION AND CERTIFICATE OF SERVICE**

Eugenio Ferrer  
411 Lennox Dr.  
Oswego, IL 60543

Cherny Law Offices PC  
111 E. Jefferson Ave.  
Naperville, IL 60540

Please take notice that on May 4, 2018 at 10:30 AM a representative of this office shall appear at the Joliet City Hall, 150 W. Jefferson St., 2<sup>nd</sup> Floor, Joliet, IL and present this motion.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you don't have an attorney, you may wish to consult one)**

I certify that this office caused a copy of this notice to be delivered to the above listed debtor(s) by depositing it is the U.S. Mail on April 24, 2018 and the attorney (if applicable) through the CM/ECF system.

/s/ Gerald Mylander  
For Glenn Stearns, Trustee

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MOTION TO DISMISS FOR INELIGIBILITY

Now Comes Glenn Stearns, Chapter 13 Trustee, and requests dismissal of the above case pursuant to 11 U.S.C. §§ 109(h) and 1307(c), and in support thereof, states the following:

1. On March 31, 2018, the debtor(s) filed a petition under Chapter 13.
2. Pursuant to §109(h), a debtor is not eligible to be a debtor unless she first completed a credit counseling course within 180 days of the date of the filing of the petition or the debtor timely requests a waiver describing what exigent circumstances prevented her from obtaining such counseling within the required time period.
3. The debtor filed a statement of credit counseling stating that the debtor had completed a credit counseling briefing within the prior 180 days.
4. However, the debtor has not filed a certificate.
5. The debtor is not eligible for Chapter 13 relief.
6. Dismissal is the appropriate remedy when a debtor is ineligible under §109(h). In re Gossett, 369 B.R. 361 (Bankr. N.D. Ill 2007).

WHEREFORE, the Trustee prays that the case be dismissed pursuant to §§109(h) and 1307(c) and for such other and further relief as this court deems proper.

Respectfully Submitted;  
Glenn Stearns, Trustee

/s/  
By: Gerald Mylander

Glenn Stearns, Chapter 13 Trustee  
801 Warrenville Rd., Suite 650  
Lisle, IL 60532